

COUNCIL MINUTES

August 21, 2017

Council Chambers

7:00 P.M.

7:00 P.M. - President Ellington called the Newark City Council meeting to order

ROLL CALL- Mr. Rath, Mr. Blake, Mr. Bubb, Mr. Cost, Mrs. Floyd, Mr. Fraizer, Ms. Hall, Mr. Lang, Mr. Mangus
Mr. Marmie

INVOCATION – Mr. Fraizer

PLEDGE OF ALLEGIANCE- President Ellington

CAUCUS

MINUTES of August 7, 2017- Motion by Mr. Rath to approve the August 7, 2017 Newark City Council Minutes as presented and the reading be dispensed with in view of the fact each member of Council has received written summary of same, second by Mr. Fraizer. **Motion carried by acclamation.**

APPOINTMENTS

Mayor Hall- appointing Jack Gienger to the Board of Zoning Adjustment- **No Objections. Motion to accept carried by acclamation.**

REPORTS OF STANDING COMMITTEES

Finance- **Received & Filed**

Service- **Received & Filed**

Personnel- **Received & Filed**

REPORTS FROM CITY OFFICIALS

Stephen E Johnson, City Auditor- the Auditor of State released their audit report and there were no findings or adjustments required and the city is a low risk auditee. - **Received & Filed**

Barb Jobes, City Tax Administrator- income tax revenue reports for the period ending July 31, 2017. - **Received & Filed**

COMMUNICATIONS

Roger Loomis, Utility Superintendent- liens for past due water, storm water and sewer bills in the amount of \$17,361.35. - **Received & Filed**

PUBLIC HEARING

President Ellington opened the public hearing

Fred Bline, 34 S 35th St- his property is directly behind 1281 W Main St, he spoke in opposition of the zoning change because of the increased traffic flow that it would cause and the types of businesses that the LB zoning District would allow. He did not feel that requested a zoning change to make the property easier to sell is a sufficient reason for the request.

Joseph Bline, 59 S 35th St- he opposed the zoning change primarily because of the traffic increase that the zoning change could cause especially the type of businesses that the LB zoning district would allow.

Tim Powell- I am part owner of 1281 W Main Street, we requested the rezoning pretty much on the response from several businesses that were looking at the property. We thought that we would try to rezone the property to accommodate those businesses. They weren't high traffic businesses, we are talking a coffee shop, ice cream parlor those types of things. It's not like it was going to be another CVS or Walmart type of drug store. It is a half-acre it isn't large enough to support those things and any condition to build on that rezoned property would have to go through your own Engineering Department to approve the plans. If it doesn't fit it doesn't get approved. Our request to change the zoning was from people talking to us about the property when we had it for sale. We thought that we would give it a shot, we know that whole area is nothing but commercial from 34th Street all the way out to Thornwood. It is going to happen, if it's not now it will happen in the years to come because there is going to be a demand for it in the area. On

the west side is an insurance office and on the right side of it is an accountant. You can go up and down West Main Street and name any business and it is there already. All we were trying to do was accommodate the people who were asking about the property. Whether it is this year or next year it is up to you guys but it is going to move forward sooner or later.

Jeff Kurzawa- I am speaking on behalf of my mother in law Janet Thompson because I am part owner of her property. He spoke against the zoning for the purposes of selling a property and making a gain and take everybody else out in the process. He stated that there were people putting money into their homes and wants to protect their property values. He also mentioned the traffic problem that was previously mentioned by the Blines. He stated he felt the street lending itself to the types of businesses that the GO district allows.

Pamela Powell- my husband and I are the owners of the property at 1281 W Main Street, I want to once again reiterate the fact that it is only .52 of an acre so there are not a lot of businesses that would have heavy traffic that could fit in that lot of would be approved by the Zoning Department to go in there, the Building Codes and the Zoning Codes would have to be approved also. I understand the emotion of the people who are standing up against this however from 34th Street to Thornwood Drive on both sides of the street West Main Street is no longer a residential neighborhood. 1281 West Main Street is no longer a part of 34th or 35th Street it is a business district. We aren't trying to invent the wheel here we are just trying to catch up with the progress of the City of Newark. There are a lot of requests for properties out in that area, they just want to be able to do some retail out of it, not a full-fledged grocery store. We had a bakery, a coffee shop, appliance repair shop and an ice cream place, small businesses like that because they are located across from the hospital and would draw more attention a coffee shop or a sandwich shop. As far as the traffic goes whoever built there would have to meet the building codes or transportation codes or what that would be called but I'm sure that it would be an egress and ingress would probably be a right hand turn. I don't know that for sure but that is what I think would happen. We are not trying to ruin anyone's neighborhood but 1281 W Main Street is no longer part of any neighborhood it is a business district and we are just trying to keep up with the prosperity of the City of Newark.

Jeff Kuzawa, 97 S 35th- the thing that you have to pay attention to is that you if you look at the property on that street the way that it was parceled but. Although that parcel takes up quite a bit of property with an acre going towards the back, across the back of the Blines property and a couple of others, half an acre, the way they were sliced up is very troublesome because once we go commercial there are two more properties right next to that which go all the way back to Shide. In fact someone actually has access to Shide, they have easement access so you could have a path way through all of these people's homes who have children or are seniors and that could be a real problem. Once you open Pandora's Box it is going to be quite a problem with all of those properties that are going to be affected by that. You could have a Walgreens buy and then buy two more properties over and expand out, that is the thing that we really have to pay attention to here it is not just this property it is the next one, the next one and the next one because those three or four properties are going to make a major impact on what happens in that local area.

President Ellington closed the public hearing

By: Mr. Rath. Mr. Cost, Mrs. Floyd

17-28 AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 1281 WEST MAIN STREET, CITY OF NEWARK, LICKING COUNTY, OHIO, FROM THAT OF GO – GENERAL OFFICE ZONING DISTRICT, TO LB – LIMITED INTENSITY BUSINESS ZONING DISTRICT.

Motion by Mr. Rath to adopt Ordinance 17-28, second by Mr. Marmie

Mr. Rath- I made a motion to adopt this ordinance honestly so I could vote it down. I understand that this is an emotional issue for some, a lifestyle issue for others but the fact that it was zoned General Office is spot on and where it belongs, mainly because it is between two General Office properties and the limited size. If we rezoned this to Limited Intensity Business for whatever intent there is today becomes irrelevant because we have to look at the intent that the property is going to be used for 5,10, 15 years down the line at that time we won't be able to zone it back. If you think that the entire neighborhood is going to be rezoned to Limited Intensity Business that is a possibility but I could tell you that would require an immense investment of a single developer to buy nearly a city block then request to rezone it. While that is a possibility I think it is an incredibly limited possibility. The fact that you call West Main Street from 34th Street to Thornwood a business corridor I think would offend the 20-30 homes that are on West Main Street that have been on West Main Street and some of them have been on West Main Street for decades. There are plenty of residential areas left on West Main Street west of 34th Street. I don't believe this should be Limited Business, the Planning Commission doesn't believe this should be Limited Business and the neighbors living in the area don't believe it

should be Limited Business and the businesses surrounding this property don't believe that it should be Limited Business so I am going to encourage everybody to not support this and to vote no.

Mr. Marmie- I too don't agree with the zoning on this one. Anyone in the area that is contiguous to this property would automatically want to come in and request a zoning change because it could increase the value of the property the higher the commercial classification. We voted against the Walgreens zoning when they wanted it and they had that entire block that they wanted out there. We recognize the City of Newark doesn't want that corridor to be that type of corridor now nor in the future because of the safety for the hospital and the traffic. What we have it now is what the plan is for the future. The future is now and that is what the plan is. We recognize that there was a mistake done when CVS was there and it is considered being spot zoning with them being there. We recognized that was a mistake that occurred and we could not change it. That entire corridor we want to limit that because the infrastructure right there will not support the other type because it would create more traffic to that area which we need emergency response vehicles to go up and down there with relative ease. We had this debate years ago when the Walgreens wanted to move in so I would urge this Council to follow in the footsteps of what previous Councils have done and the planning of that area and not allow this to occur because it would just be an explosion. I know that two of the other property owners in the area said that if this goes through they are going to put in their request.

Motion to adopt did not pass by a vote of 10-0.

COMMENTS FROM CITIZENS

Tammy Shipman, 15 Riverview Dr- prayed for City Council, City Government and citizens of Newark.

Callie Rucker, 130 Delmar Ave- spoke out about the drug addiction and overdose problem and asked everyone to come together and take care of the kids because they are our future.

Mary Lou Strawler, 221 Woods Ave- prayed for the citizens of Newark and City Council

Chris Perry 1828 Carlyle Ct- spoke of the tragedy in Kirkersville and Charlottesville and suggested that the city tie either orange and blue ribbons for Virginia State college colors or purple for Heather Heyer who lost her life in the Charlottesville tragedy.

ORDINANCES ON FIRST READING

By: Cost, Floyd, Rath

17-33 A AN ORDINANCE APPROVING, ACCEPTING, RATIFYING AND ADOPTING AN EMPLOYMENT AGREEMENT BETWEEN THE CITY OF NEWARK, OHIO, AND AFSCME LOCAL 2963 AND OHIO COUNCIL 8, AFL-CIO, PROVIDING FOR THE APPLICATION OF ALL TERMS, CONDITIONS, AND BENEFITS OF SAID AGREEMENT, RETROACTIVELY TO JANUARY 1, 2017; REPEALING ALL ORDINANCES AND RESOLUTIONS IN CONFLICT WITH THE PROVISIONS OF SAID EMPLOYMENT AGREEMENTS AND DECLARING AN EMERGENCY

**Motion by Mr. Bubb to adopt Ordinance 17-33 A, second by Mr. Cost
Motion passed by a vote of 10-0.**

RESOLUTIONS ON SECOND READING

By: Rath, Cost, Floyd, Marmie, Fraizer, Lang

17-52 A RESOLUTION AUTHORIZING PARTICIPATION BY THE CITY OF NEWARK IN THE U.S. COMMUNITIES GOVERNMENT PURCHASING ALLIANCE

**Motion to adopt Resolution No. 17-52 by Mr. Rath, second by Mr. Fraizer
Motion passed by a vote of 10-0.**

By: Lang, Cost, Floyd, Marmie, Rath

17-54 APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION-CI (335, Capital Improvement Fund, in the amount of \$1,200.00 (Large Chainsaw)

**Motion to adopt Resolution No. 17-54 by Mr. Lang, second by Mr. Fraizer
Motion passed by a vote of 10-0.**

RESOLUTIONS ON FIRST READING

By: Marmie, Floyd, Cost

17-55 APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION- Expedite

Motion by Mr. Marmie to waive the two day reading rule for Resolution No. 17-55, second by Mrs. Floyd

Mr. Marmie- we owe some payments and we need to expedite this in order to get those payments to the appropriate individuals.

Motion to waive the two day reading rule passed by a vote of 10-0.

Motion to adopt Resolution No. 17-55 by Mr. Marmie, second by Mrs. Floyd

Motion passed by a vote of 10-0.

By: Marmie, Floyd, Cost

17-56 APPROPRIATING AND DISAPPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION

Held for a second reading

By: Rath, Floyd, Cost

17-57 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT FOR PROFESSIONAL SERVICES RELATIVE TO REIMBURSEMENT OF FUEL TAXES

Held for a second reading

COMMENTS FROM CITIZENS

Daniel Crawford, 163 S 2nd St- he spoke of his role on the Charter Review Commission as to how he pushed through the debate of non-partisan elections. The measure didn't pass on to the ballot but all 5 of the members agreed that at the very least there should be a Charter Review Study group because there wasn't enough time during the allotted time for the Commission to discuss the issue in its' entirety. He wanted to remember them that he would like them to form a study group. He would love to see the people have a chance to vote on it.

MISCELLANEOUS

Mr. Rath- thank you Chris for coming forward I think that you have a noble cause and hope that you pursue that further. Tammy and Mary Lou thank you.

Mr. Blake- as I was sitting here listening to the speakers this evening whether it be the prayers that we received our the suggestion as how to respond to acts of violence even the comments about the opiate addiction in our community it reflects on what is happening in our city. People are afraid about the violence and hatred that they are seeing. These experiences are negative and are what I believe is not our shared value. Embracing diversity and inspiring trust amongst one another and wanting to work together so I appreciate the prayers that came forward from our audience members and the suggestions of ways to come together in the community. When we are conflicted with acts of violence and hatred how can we go forward as a community? I know several churches hold visuals and prayers but as city leaders how can we properly reflect our condolences and things of that nature. I think some good points were brought up in the discussions tonight. It is something that we all need to work on together and pray about.

Mrs. Floyd- I would like to thank you for the prayers as well. It's not very often we have nice things said about us on the floor of City Council. I want to talk about several good things going on, this Friday is Final Friday on the square. It is a kid's fest sponsored by the Downtown Newark Association. There are free activities for kids such as bouncy houses, slides free snow cones and popcorn. It is Friday from 5-8 down town. The Midland is showing Hook and most of the businesses have activities center around a particular book they got from a book donated by Kicks Mix Bookstore. All four roundabouts will be open as of Wednesday. In about a week and a half route 16 will open up again and about by Labor Day Hudson and Mt. Vernon will be open again. It is nice to see all of these positive changes in Newark. I know a lot of our residents have been very frustrated with all the traffic snafu's but in the long run as we have said many times it will be nice when it is done.

Mr. Fraizer- I want to thank Council for letting me off last week from committees, I actually spent the last 10 days abroad in Europe. The Charlottesville incident happened while I was in Europe and it was a very unique perspective to see the portrayal of America from people abroad. The real struggle is the message that we convey to others and manner in which we conduct ourselves. Over the last few years we have seen a deterioration in commentary and mutual respect

and understanding. I think that it is essential that we hold ourselves accountable for what we say and what we do and the manner in which we conduct ourselves. Thank you for the encouragement and prayers you had for us. It is a continual thing, how do we have a better society and a better environment for the future and how do we stick together? How do we respect differences of opinion but continue to protect the ideals this country has set forth? Thank you to this Council for letting me travel and see the world and I hope to bring those insights back here and continue to strive to make the world a better place.

Ms. Hall- I wanted to thank the ladies for their prayers as well. I think we all need that as well as the entire city of Newark. I have a concern about drugs and I thank the lady that spoke about that too. It is something that we have to watch every day. The prayers are always welcome.

Mr. Lang- Tammy and Mary Lou it was very nice to get the prayers, it is nice when somebody wants to come up and uplift you. Mr. Perry I appreciate your comments as well, thank you for coming forward tonight. We are really happy in the 5th Ward for another roundabout opening; Sharon Valley finally came about and I know there are a lot of folks excited about having that completed. The folks I have talked to up that way are actually looking for more roundabouts. I want to thank the Works for putting on a great event today for the eclipse, our kids had a good time and the generous folks that came to our aid when we got there a little late and there were no glasses left and the generosity spirit in our community is strong, some folks came forward and gave us some glasses. The Midland is hosting a benefit for the families of Kirkersville tragedy Sunday at 6:00 and I think it would be good for us to support that.

Mr. Marmie- called a Finance committee meeting. I want to thank Tammy and Mary Lou for the prayers it was very kind of you and it very much went into what Callie had talked about and the issues here in Ohio. She is right it is the children. It all starts in the home where we have to do our best to raise our children in the proper environment and it doesn't always mean that it is going to work out, things still go wrong. There are some folks with very nice homes that brought their children up in a respectable manner, worshipping and sometimes it still goes wrong. It's not just groups like Jeremy said, I am in full support of his comments, groups need to get together but it is the individual effort. I volunteer to coach baseball to change children's lives. I don't do it for the sports aspect of it, it is more about changing their lives and they change mine at the same time. It is those types of efforts; people need to get more involved in children's lives and not just their own children's lives but other children. I would encourage everybody to do whatever they can to help out with that. The drone picture of the new roundabout on Facebook was fantastic. That is a beautiful part of our community that whole campus area, it brings out that beauty also. If you haven't seen it on Face Book yet the Nework is progressing. Sara Wallace and he folks are developing a work area. They are going to use it as a new work and I that that was very creative. Chris I appreciate the comments and what you are doing, it is very respectable and is not very surprising you come from a great gentlemen in your great grandfather. I want to welcome Father Sizemore to our community. He is the new Priest at Saint Francis. You are going to like this guy he gets involved not only in the church but he will be in our community. He is young, energetic, and enthusiastic and I think this community is really going to benefit from his presence. He likes to get other dominations involved with his to make sure there is a good relationship. I grew up on Second Street and used to ride my bicycle all around and I never knew that learning all those back ways and alleys and shortcuts would come in handy as it has today. It will be over soon.

President Ellington- thank you for coming and sharing your thoughts. Tammy and Mary Lou thank you to your group for coming. The next committee meeting will be Monday August 28th at 5:30 P.M. and Council will meet on Tuesday September 5th because City Hall will be closed Monday September 4th for Labor Day.

ADJOURNMENT- Motion by Mr. Cost, second by Mr. Rath. Motion carried by acclamation. 7:54 P.M.